

**MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF JASPER  
MARCH 28, 2006**

The Board of Public Works and Safety of the City of Jasper, Indiana, met in regular session on Tuesday, March 28, 2006 in the Council Chambers of City Hall located at 610 Main Street.

**CALL TO ORDER**

Mayor William J. Schmitt who presided called the meeting to order at 8:00 a.m.

**ROLL CALL**

Mayor William J. Schmitt	present
Board member Victor J. Knies	present
Board member Thomas R. Schmidt	present

Also present were Police Chief Richard Gunselman, City Engineer Chad Hurm, Building Commissioner David Seger, Assistant Street Commissioner James Schmitt, Fire Chief Kenneth Hochgesang, City Attorney Sandra Hemmerlein and Clerk-Treasurer Juanita Boehm. Street Commissioner Raymond Eckerle and Personnel/Safety Director Charles Schneider were absent.

Clerk-Treasurer Juanita Boehm announced that a majority of the board members must be present for a quorum. All three of the board members were present; therefore, there was a quorum for the meeting.

**PLEDGE OF ALLEGIANCE**

Mayor Schmitt invited all present to join him in the Pledge of Allegiance.

**PORTERSVILLE ROAD PROJECT PHASE II**

City Attorney Sandra Hemmerlein announced that a "Notice to Bidders" had been published in the "Herald" on March 8 and 15, 2006 for the Portersville Road Project Phase II. Hemmerlein opened and publicly read the sealed bids. The bids were as follows:

<b><u>Bidder</u></b>	<b><u>Base Price</u></b>	<b><u>Alt. #1</u></b>	<b><u>Alt. #2</u></b>
Lechner's, Inc.	\$155,644.10	\$31,203.75	\$ 8,760.00
Knies Construction	\$129,484.05	\$33,495.00	\$ 6,435.00
J.H. Rudolph	\$207,154.50	\$38,625.00	\$10,216.00

All three bids included a bid bond, form 96, and non-collusion affidavit. Knies Construction and J. H. Rudolph also included financial statements.

During discussion, Mayor Schmitt wanted assurance that the project could be completed during the school's summer recess. City Engineer Chad Hurm requested the bids be taken under advisement until the next Board of Public Works and Safety meeting on April 11, 2006.

On **motion** by Victor Knies and seconded by Thomas Schmidt, approval was given to take the bids under advisement until the next Board of Public Works and Safety meeting on April 11, 2006. Motion passed 3-0.

### **REAR LOADING TRASH COLLECTION BODY**

City Attorney Sandra Hemmerlein opened and publicly read sealed bids for a Rear Loading Trash Collection Body for the street department. She reported that the "Notice to Bidders" had been published in the "Herald" on March 10 and 17, 2006. Both bids included a bid bond and non-collusion affidavit. The bids were as follows:

<b><u>Bidder</u></b>	<b><u>Price</u></b>
Best Equipment Co., Inc.	\$45,076.00
Deeds Equipment Co., Inc.	\$57,426.00

On **motion** by Mayor Schmitt and seconded by Thomas Schmidt, approval was given to take the bids under advisement, have the Street Department review and report back at the next Board of Public Works and Safety meeting on April 11, 2006.

### **TRASH TRUCK CHASSIS**

City Attorney Sandra Hemmerlein opened and publicly read sealed bids for a Trash Truck Chassis for the street department. She reported that the "Notice to Bidders" had been published in the "Herald" on March 10 and 17, 2006. The bids were as follows:

<b><u>Bidder</u></b>	<b><u>Price</u></b>	<b><u>Trade-In 1992 Chevrolet</u></b>	<b><u>Net Price</u></b>
Uebelhor & Sons	\$68,274.00	\$ 9,500.00	\$58,774.00
Sternberg International	\$62,074.16	\$15,000.00	\$47,074.16
Ruxer Ford	\$65,132.00	\$15,000.00	\$50,132.00

All three bids included a non-collusion affidavit. Sternberg International and Ruxer Ford also included a bid bond.

On **motion** by Victor Knies and seconded by Thomas Schmidt, approval was given to take the bids under advisement and have the Street Department review and report back at the next Board of Public Works and Safety meeting on April 11, 2006.

### **APPROVAL OF THE MINUTES**

The board members examined the minutes of the regular meeting held on March 14, 2006. A **motion** was made by Thomas Schmidt and seconded by Mayor Schmitt to approve the minutes as presented. Motion carried 3-0.

### **MEMORANDUM OF EXECUTIVE SESSION**

Mayor Schmitt read the Memorandum from the Executive Session that was held on Monday, March 27, 2006 at 9:00 a.m. {See attachment}

On **motion** by Thomas Schmidt and seconded by Victor Knies, the Memorandum of the Executive Session of the Board of Public Works and Safety, which was held on March 27, 2006, was accepted for the record. Motion passed 3-0.

### **TEMPORARY USE OF SIDEWALKS AND ROADWAY**

Bob Herzog, Manager of HPH Eigentum, was present. Herzog reported that his company has plans to paint the former Kuebler Building located at the Southwest corner of the Square, south of 6<sup>th</sup> Street. He said the painter needs to use a 60' jig lift

to reach the top part of the building. He requested using the sidewalk and the streets near the building for the jig lift. He also requested some traffic cones and barricades. He said the work would begin this week, and, depending on the weather, would take about a month to complete.

On **motion** by Mayor Schmitt and seconded by Thomas Schmidt, approval was given to HPH Eigentum, LLC to utilize the sidewalks on the north side of their building (former Kuebler Building) and portion of the roadway as needed to provide a safe area, work with the street and police departments to ensure that it's set up properly for traffic, and the continuation of painting the building on the east and west sides. Motion passed 3-0.

#### **“TREES OF JASPER”**

Ken Sternberg, Vice President of Greater Downtown Jasper Business Association and representing Trees of Jasper, a sub-committee of Patoka 2000. He stated that his group is planning some beautification for the downtown area by adding some trees to the area. He requested planting new trees in the three corners of the Square and taking the blue spruces from the Square and re-locating them in the Train Depot area. He also reported that the committee would like to plant a maple tree at 4<sup>th</sup> and Main Streets on the northeast corner of the city's parking lot. Sternberg stated that he had discussed these plans with the Building Commissioner and Street Commissioner. He also requested help from the street department in preparing the site and with assistance in moving the tree.

On **motion** by Mayor Schmitt and seconded by Victor Knies, approval was given to the request of Trees of Jasper, a sub-committee of Patoka 2000, to plant a tree in the city's 4th and Main Street parking lot. [Permission given on condition the committee adheres to City of Jasper's ordinance on ground cover.] Motion passed 3-0.

There followed some discussion about re-locating the blue spruces. Mr. Sternberg requested assistance from the City in moving the trees and choosing the re-planting spots in the area of the Train Depot. Mayor Schmitt said a possible site for the trees would be the front lot at Jackson and Third.

On **motion** by Mayor Schmitt and seconded by Thomas Schmidt, approval was given to Trees of Jasper, a sub-committee of Patoka 2000 to re-locate their blue spruces from the Square to around the area of the Train Depot with the exact location to be determined at a later date. Motion passed 3-0.

Mr. Sternberg related that his committee would like permission to plant 6-8 trees in 48" pots throughout the city and down South Main Street sometime in the future. Mayor Schmitt requested that the group return to the Board of Public Works and Safety at a later date when definite plans have been made for the planting of those trees.

Mr. Sternberg also requested assistance from the street department in watering the trees one morning per week. Mayor Schmitt responded that he would take the matter under consideration.

## **SUBDIVISION PERFORMANCE BOND RELEASE BROOKSTONE ESTATES**

Al Mehringer, Kerstiens Development, Inc. requested release of a \$211,000.00 Performance Bond and a \$212,000.00 Letter of Credit for sewer lines, water lines and storm sewer in Brookstone Estates. Mr. Mehringer also requested release of a \$220,000.00 Performance Bond and a \$221,000.00 Letter of Credit for asphalt, curb and gutter in Brookstone Estates and accept one new Performance Bond and Letter of Credit for \$125,000.00 for storm sewers, street curbs and asphalt in Brookstone Estates.

On **motion** by Mayor Schmitt and seconded by Thomas Schmidt, approval was given to release T-Kerstiens Corp.'s \$211,000.00 Performance Bond and \$212,000.00 Letter of Credit for sewer lines, water lines and storm sewer in the Brookstone Estates subdivision. Motion passed 3-0.

On **motion** by Mayor Schmitt and seconded by Victor Knies, approval was given to release T-Kerstiens Corp.'s \$220,000.00 Performance Bond and \$221,000.00 Letter of Credit for asphalt, curb and gutter in Brookstone Estates and to accept a Performance Bond and Letter of Credit from Kerstiens Development, Inc. for \$125,000.00 for storm sewers, street curbs and asphalt in Brookstone Estates. Motion passed 3-0.

## **SUBDIVISION PERFORMANCE BOND RELEASE ACKERMAN COMMERCIAL PARK**

Mike Ackerman, President of Ack, Inc., requested release of the remaining \$7,000.00 Subdivision Performance Bond for the subdivision known as a Replat of Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, and Raphyl Road in Ackerman Commercial Park. He said completion of the project work has been signed off by the various departments.

On **motion** by Mayor Schmitt and seconded by Thomas Schmidt, approval was given to release the \$7,000.00 Subdivision Performance Bond for Ackerman Commercial Park, property owned by Ack, Inc. Motion passed 3-0.

## **RELOCATION OF GAS METERS**

Gerald "Bud" Hauersperger, General Manager of Utilities, requested permission to re-locate some gas meters into the alley located between 8<sup>th</sup> and 9<sup>th</sup> Streets and between Main Street and Jackson Street. Hauersperger presented a map of the area. He said the gas meters are presently in the basements of the various properties. He said the alley is 8 ½" feet wide and this would entail restricting vehicular traffic in a portion of the alley and making it pedestrian traffic only.

City Attorney Sandra Hemmerlein suggested holding a public hearing before the City Council and sending a certified mail notice to abutting landowners notifying them of the public hearing. Hemmerlein also suggested the Board of Public Works and Safety make a recommendation to direct her to prepare an ordinance, taking into account that there might be some public input at the public hearing.

A **motion** was made by Mayor Schmitt and seconded by Victor Knies to recommend to the City Council that a portion of the alley between 8<sup>th</sup> and 9<sup>th</sup> Streets and between Main and Jackson Streets, measuring 108' 8 ½" from 8<sup>th</sup> Street north, be

restricted to pedestrian traffic only, hold a public hearing, and send certified mail notices to landowners in the block. Motion passed 3-0.

### **WEATHER WARNING SIRENS**

Gerald Gagne, Jasper Police Department, reported on the two recommended sites for the additional weather warning sirens recently purchased by the city. He said one siren would be placed on the lift station along Portersville Road near the trailer park and the other one would go on the lift station along County Road 400 W. He said the one on CR 400 W is served by the Dubois Rural Electric Cooperative, Inc., (REC) and that the electric line is 480 amp and the unit would require 240 amp to recharge the batteries. To rectify the wattage situation, the City has two options. (1) Purchase a transformer for \$1800.00 from E & K Electric, the company that installs the sirens or (2) Pay REC a minimum fee to tap into their line and pay an additional \$10.60 a month fee to operate off their transformer. Gagne recommended purchasing a transformer from E & K Electric because it is a one-time fee

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve the two sites, Portersville Road and CR 400 W, which were chosen by the Police Department, for the placement of the two additional weather warning sirens. Motion passed 3-0.

A **motion** was made by Mayor Schmitt and seconded by Victor Knies to approve the additional cost of \$1,800.00 for a transformer from E & K Electric. Motion passed 3-0.

### **PROBATIONARY POLICE OFFICER**

Mayor Schmitt commented that the Board needs to take action as a result of the interviews for a Probationary Police Officer.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to offer a "Conditional Offer of Employment" to Jason S. Knies for the position of Jasper Police Department Probationary Police Officer, and that this position will become effective after all conditions of the "Conditional Offer of Employment" are met, but not before Monday, April 17, 2006. Motion passed 3-0.

During discussion, Mayor Schmitt said there were three very qualified applicants for the position. The other board members concurred.

### **APPLICANT LIST**

Police Chief Richard Gunselman recommended extending the probationary police officer applicant hiring list for two years from today. He said the remaining applicants are of excellent quality and if another opening would become available, he would like the option of selecting from that list.

A **motion** was made by Victor Knies and seconded by Thomas Schmidt to keep the file active. Motion passed 3-0.

## **JASPER POLICE DEPARTMENT EMPLOYEE HANDBOOK ADDITIONS AND REVISIONS**

Police Chief Richard Gunselman presented additions and revisions to the Jasper Police Department Employee Handbook.

Gunselman recommended a time change in Policy #402 “Switching Shifts”. The current policy says that the workweek starts at 4 A.M. Gunselman requested changing the policy to 5 A.M.

On **motion** by Mayor Schmitt and seconded by Victor Knies, approval was given to revise Policy #402, “Switching Shifts” from 4 A.M. to 5 A.M. Motion passed 3-0.

Gunselman then recommended adding Policy #1002 on the use of Tasers, “M26 Advanced Taser” to the Rules and Regulations section of the Handbook.

A **motion** was made by Mayor Schmitt and seconded by Victor Knies to add Policy #1002, regarding the use of Tasers to the Rules and Regulations section of the Handbook. Motion passed 3-0.

Police Chief Gunselman also recommended adding Policy #2113 “Law Enforcement Canines” to the Rules and Regulations section of the Handbook. The policy deals with the use of canines.

A **motion** was made by Tom Schmidt and seconded by Victor Knies to add Policy #2113, Law Enforcement Canines to the Rules and Regulations section of the Handbook. Motion passed 3-0.

### **DOWNTOWN CROSS WALK**

Police Chief Richard Gunselman read a petition that was sent to the Street Department requesting that a pedestrian walk sign be installed in front of the county annex building. The petition claimed that this cross walk was a public safety issue and was signed by many county employees. Gunselman recommended assigning the matter to the engineering department for review.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to have the City Engineer review, conduct a study, and report back with a recommendation. Motion passed 3-0.

### **REPORTS**

Police Chief Richard Gunselman presented the following report for review:

Jasper Police Department February 2006 Vehicle Maintenance Report.

### **FIRE DEPARTMENT TRAINING**

Fire Chief Kenneth Hochgesang reported that the Jasper Fire Department would be conducting training on Saturday, April 1, 2006 and Monday, April 10, 2006. He explained that a person has donated use of his property on US Highway 231 and Highway 162 for the training.

## **REPORTS**

**Paving Schedule.** Assistant Street Commissioner James Schmitt presented a paving report.

**Mill Street.** Assistant Street Commissioner James Schmitt reported that work has begun in widening a portion of Mill Street and in replacing a storm sewer on that street.

## **REPLACEMENT EMPLOYEE**

Assistant Street Commissioner James Schmitt requested hiring a replacement permanent part-time employee at the street department.

On **motion** by Victor Knies and seconded by Mayor Schmitt, approval was given to the street department to replace a permanent part time employee. Motion passed 3-0.

## **ADDENDUM TO REAL ESTATE LEASE AGREEMENT JASPER REALTY PARTNERSHIP**

City Attorney Sandra Hemmerlein reported that the City's 15-year lease agreement with Jasper Realty Partnership for property used for the solid fill would expire on May 21, 2006. Hemmerlein presented an Addendum to Real Estate Lease Agreement between Jasper Realty Partnership and the City of Jasper. Hemmerlein proposed a year-by-year extension of that agreement.

On **motion** by Mayor Schmitt and seconded by Victor Knies, approval was given to enter into an agreement with Jasper Realty Partnership on a year-by-year lease for property being used for the solid fill. Motion passed 3-0.

## **EASEMENTS**

City Attorney Sandy Hemmerlein presented the following Utility and Right-of-way easement for acceptance and approval:

### ***Grant of Permanent Utility and Right-of-way Easement***

K-Bro, L.L.C. – Lot 76 in McCrillus Second Addition.

City Attorney Hemmerlein explained that the alley between McCrillus and Vine Streets and E. 8<sup>th</sup> and E. 9<sup>th</sup> Streets had never been officially dedicated as an alley. She said there are utility lines in the alley and the adjoining property owner, K-Bro, L.L.C. had agreed to transfer an easement for utilities and for a right-of-way.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve and accept the Grant of Utility Easement and Right-of-Way from K-Bro, L.L. C. Motion passed 3-0.

## **ADJOURNMENT**

There being no further business to come before the board, a **motion** was made by Victor Knies and seconded by Thomas Schmidt to adjourn the meeting. The motion carried 3-0 and the meeting adjourned at 9:40 a.m.

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**Mayor William J. Schmitt**  
**Presiding Officer**

**Attest:**

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**Juanita S. Boehm, Clerk-Treasurer**

Cynthia Kluemper, Recording Secretary